

REMARKS

This Amendment is in response to the Office Action mailed on September 12, 2005, in which all pending claims 1-20 were rejected. With this Amendment, claim 15 is amended and the remaining claims are unchanged. Applicants respectfully request reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

On page 2 of the Office Action, the Examiner objected to the title of the invention as being non-descriptive. With this Amendment, the title has been amended in a manner that is indicative of the invention to which the claims are directed.

Also, on page 2 of the Office Action, the Examiner rejected claims 1-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Nos. 6,051,976, 6,331,762 and 6,441,585.

Claim 1 includes "predicting a discharge voltage of the battery as a function of . . . the calculated activation voltage . . . , the discharge voltage indicative of a vehicle starting capability of the battery." (Emphasis Added.)

The Office Action suggests that the cited references teach the above element, and other elements, of claim 1 because they disclose a measuring circuit for obtaining a dynamic parameter of the battery to predict the cranking capacity of the battery. The cited references, in general, teach measuring a dynamic parameter of the battery and utilizing the dynamic parameter to determine a measured Cold Cranking Amp (CCA) capacity of the battery. The measured CCA value is compared with a rated CCA value of the battery and the battery is classified as "good" or "bad" based on this comparison. As mentioned on page 10 of the specification, such general categorizations or test results may be insufficient for predicting whether the battery is capable of providing a sufficient voltage and/or current to start a vehicle in which the battery is employed. The claimed invention calculates and employs an activation voltage for predicating a

discharge voltage (or discharge current), which is indicative of the battery's capability of providing a sufficient voltage or current to start a vehicle in which it is employed. The cited references teach or suggest nothing about an activation voltage. Further, none of the cited references disclose "predicting a discharge voltage of the battery as a function of . . . the calculated activation voltage . . . , the discharge voltage indicative of a vehicle starting capability of the battery" as required by claim 1. Therefore, the cited references cannot anticipate claim 1.

Independent claims 7, 12, 15 and 18 have elements similar to that of independent claim 1. Thus, for the same reasons as independent claim 1, Applicants submit that independent claims 7, 12, 15 and 18 are allowable as well. Moreover, Applicants respectfully submit that the dependent claims are also allowable by virtue of their dependency, either directly or indirectly from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown or suggested in the cited reference.

In view of the foregoing, Applicants respectfully request reconsideration and allowance of claims 1-20. Favorable action upon all claims is solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Alan G. Rego, Reg. No. 45,956  
Suite 1400 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312